

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 347

FINAL READING

Introduced by Cornett, 45.

Read first time January 15, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to dogs; to amend section 54-601, Reissue
2 Revised Statutes of Nebraska; to eliminate liability with
3 respect to governmental agencies as prescribed; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-601, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-601 (1) Dogs are hereby declared to be personal
4 property for all intents and purposes, and, except as provided in
5 subsection (2) of this section, the owner or owners of any dog
6 or dogs shall be liable for any and all damages that may accrue
7 ~~(1)~~ (a) to any person, other than a trespasser, by reason of
8 having been bitten by any such dog or dogs and ~~(2)~~ (b) to any
9 person, firm, or corporation by reason of such dog or dogs killing,
10 wounding, injuring, worrying, or chasing any person or persons or
11 any sheep or other domestic animals belonging to such person, firm,
12 or corporation. Such damage may be recovered in any court having
13 jurisdiction of the amount claimed.

14 (2) (a) A governmental agency or its employees using a dog
15 in military or police work shall not be liable under subsection (1)
16 of this section to a party to, participant in, or person reasonably
17 suspected to be a party to or participant in the act that prompted
18 the use of the dog in the military or police work if the officers
19 of the governmental agency were complying with a written policy on
20 the necessary and appropriate use of a dog for military or police
21 work adopted by the governmental agency and if the damage occurred
22 while the dog was responding to a harassing or provoking act or
23 the damage was the result of a reasonable use of force while the
24 dog or dogs were assisting an employee of the agency in any of the
25 following:

1 (i) The apprehension or holding of a suspect if the
2 employee has a reasonable suspicion of the suspect's involvement in
3 criminal activity;

4 (ii) The investigation of a crime or possible crime;

5 (iii) The execution of a warrant; or

6 (iv) The defense of a peace officer or another person
7 other than the suspect.

8 (b) For purposes of this subsection, harassing or
9 provoking act means knowingly and intentionally attempting to
10 interfere with, interfering with, teasing or harassing such dog in
11 order to distract, or agitating or harming such dog.

12 Sec. 2. Original section 54-601, Reissue Revised Statutes
13 of Nebraska, is repealed.